

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

JERRY MCKINNEY, SR.,

Plaintiff

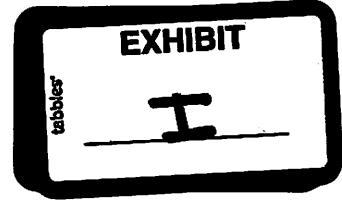
v.

Civil Action 1:19-CV-01339

RAPIDES PARISH SHERIFF'S OFFICE  
and SHERIFF WILLIAM EARL HILTON,

Defendants

30 (b) (6) DEPOSITION OF RAPIDES PARISH  
SHERIFF'S OFFICE, through its designated  
representatives, STACY McCAIN, SHERIFF WILLIAM  
EARL HILTON, DEBBIE McBETH, given via  
videoconferencing in the above-entitled cause,  
pursuant to the following stipulation, before  
Raynel E. Schule, Certified Shorthand Reporter  
in and for the State of Louisiana, commencing at  
9:15 o'clock a.m., Tuesday, the 14th day of  
July, 2020.



1       November of 2017, Jerry McKinney had a  
2       stroke, correct?

3 A. Yes.

4 Q. And so he went out on medical leave through  
5 February of 2018. Is that correct?

6 A. I'm assuming that's correct. I don't have  
7 the dates with me on --

8 Q. Okay, but he went out on medical leave for  
9 a while and then came back to work,  
10 correct?

11 A. Yes.

12 Q. And then in the fall of -- of 2018, Mr.  
13 McKinney failed his -- his firearm  
14 certification process, correct?

15 A. Correct.

16 Q. Because he was impaired from the stroke he  
17 had had the year before?

18 A. Yes.

19 MR. RICHARDSON:

20 Object to the form.

21 You can answer.

22 BY MR. MOST:

23 Q. Okay. The answer was yes?

24 A. Yes.

25 Q. Yeah, and so he was transferred from the

1                   Courtroom Security to Corrections. Is that  
2                   correct?

3         A.     Correct, yes.

4         Q.     And -- and in Corrections it's not required  
5                   that the deputy be firearm certified and  
6                   carry a gun. Is that correct?

7         A.     Correct, yes.

8         Q.     And that's why you transferred him over to  
9                   Corrections, correct?

10        A.     Yes.

11        Q.     And the Courtroom Security is -- is more  
12                   like a normal workday; it's about eight  
13                   hours, but working Corrections is a 12-hour  
14                   shift, correct?

15        A.     Yes.

16        Q.     And when we talk about Corrections, do we  
17                   mean the jail?

18        A.     Yes, yes.

19        Q.     Okay, and Warden Batiste was the Warden of  
20                   the jail at the time?

21        A.     DC-3, yes.

22        Q.     What is DC-3?

23        A.     We have three detention centers here. We  
24                   have DC-1 where all people are booked that  
25                   are arrested. We have DC-2, which is a

1           trustee work-release type program. DC-3 is  
2           a facility where we detain inmates that are  
3           doing time.

4       Q.     Okay. Doing parish time?

5       A.     Parish and State.

6       Q.     Okay, and Warden Batiste in late 2018 was  
7           the Warden of the DC-3 facility, correct?

8       A.     Yes.

9       Q.     He was the person, the highest person at  
10           that facility?

11      A.     Yes.

12      Q.     He was responsible for the day-to-day  
13           management of that facility?

14      A.     Yes.

15      Q.     And why is Corrections a 12-hour shift?

16      A.     Well, a lot of police agencies, a lot of  
17           correction facilities all over the country,  
18           they just like the 12-hour shifts. It  
19           gives the employee a little time off. It's  
20           a lot of hours on the front end, but he  
21           gets a lot of time off on the back end, and  
22           employees like that. State Police do it on  
23           patrol. We do it. Most of your police  
24           departments work 12-hour shifts. The way  
25           it works out, it's basically you work 16

1 days one month and 14 another month. So  
2 it's good for the employee.

3 Q. Okay. So it -- the 12-hour shift is the  
4 way the Sheriff's Office does Corrections  
5 because that's for the convenience and  
6 benefit of the employee?

7 A. This -- this is nationwide. Most agencies  
8 do that.

9 Q. Okay, and -- and the reason why is it's for  
10 the convenience and benefit of the  
11 employees?

12 MR. RICHARDSON:

13 Object to the form.

14 BY MR. MOST:

15 Q. What was your answer, Sheriff?

16 A. Yes.

17 Q. Okay. So it's not something inherent to  
18 the job, like, I don't know, like, you have  
19 to get flown somewhere, and the flights  
20 only go every 12 hours or something. It's  
21 -- it's for administrative convenience and  
22 the benefit of the employee, but it's not  
23 something integral to the nature of  
24 corrections. Is that correct?

25 MR. RICHARDSON:

1                   answer those, hey, I'm good with it.

2                   THE WITNESS:

3                   What number are we -- what number  
4                   are we talking about?

5                   MR. RICHARDSON:

6                   We're talking about 4 and 16.

7                   MR. MOST:

8                   Yeah. So 4 -- 4 is the process  
9                   of searching for whether there are  
10                  any positions Mr. McKinney can do,  
11                  and 16 is about the interactive  
12                  process of seeking accommodation so

13                  --

14                  THE WITNESS:

15                  No. -- No. 4 is simply the fact  
16                  of looking at the roster and seeing  
17                  where there were any openings, and  
18                  we did that, and there were no other  
19                  positions open that McKinney could  
20                  be placed in. So, you know, that  
21                  was obvious that that couldn't  
22                  happen. 16, "Any interactive  
23                  process of seeking accommodations  
24                  that any Defendant engaged in with  
25                  Dep. McKinney," basically, that's

1 | the same answer.

2 BY MR. MOST:

3 Q. Okay, and who would be best to answer that,  
4 you or Debbie, those two topics?

5 A. Probably Major Hollingsworth or Debbie, but  
6 Hollingsworth and Debbie both, you know,  
7 they're going to give you the same answer,  
8 because that's just how it is. That's --  
9 that's all we had.

10 Q. Yeah. I want to go through the roster. So  
11 I'll go through that with -- with Debbie.

12 MR. MOST:

13                    Unless you object, Tim, I'll --  
14                    we'll just merge 4 and 16.

15 MR. RICHARDSON:

16 No problem. That's -- that's  
17 good.

18 BY MR. MOST:

19 Q. Okay. So moving on to Topic No. 5, which  
20 is, "The reasons why Deputy McKinney was  
21 terminated" --

22 MR. RICHARDSON:

I think he answered that already.

24 MR. MOST:

25 | Yeah, but we'll go into it in a

1       had to do something. It was -- you know,  
2       the clock was running, and Jerry wasn't  
3       getting any better, and we just -- you  
4       know, we had to do something, and so we  
5       fired him.

6       Q.     And why couldn't you just let him keep  
7       working eight-hour shifts at the prison?

8       A.     Because those are not eight-hour shifts.  
9       They're 12-hour shifts, and if we let one  
10      employee take advantage of eight-hour  
11      shifts, tomorrow and the next day and the  
12      next week, there are going to be other  
13      employees there wanting to work eight  
14      hours, and you can't disrupt a facility  
15      like that with letting some work eight  
16      hours and some 12. It's like being in the  
17      military. It's a ritual. You do  
18      everything on time. You do it exactly the  
19      same every day, and we couldn't make an  
20      extension -- exception for Jerry.

21      Q.     Because you didn't want him to get special  
22      treatment that other people might want?

23      A.     No, it's not good for him; it's not good  
24      for the department.

25      Q.     Right. So it would have been I guess

1        You could have other inmates hurt. You  
2        could have employees hurt, and so it's --  
3        like I stated way back earlier in the day,  
4        it's kind of like military. It's  
5        regimented. You do certain things at  
6        certain times. Everybody does it the same  
7        on every shift, and they keep everything  
8        working and functioning as it should be.

9        Q. All right, and some of things you mentioned  
10      in there, and I know I think you're looking  
11      at some documents maybe that we produced --

12      A. Yes.

13      Q. -- you know, that we gave Mr. Most in that  
14      thousand, couple of thousand-page  
15      production, but you talk about logs. So  
16      you have to keep logs of what goes on  
17      during the jail for each inmate and -- and  
18      the basic functions of the jail that  
19      happens each shift, correct?

20      A. That's correct.

21      Q. And when you've got another shift change  
22      that comes in, right, and that happens, and  
23      you're moving one group out to another  
24      group, right, does that create some -- I  
25      guess for lack of a better term, some

1 downtime where you actually have to swap  
2 people out?

3 | A. When the relief shift --

4 Q. To get them up to speed in other words?

5 A. When the relief shift comes in, they are  
6 briefed --

7 | THE COURT REPORTER:

8 Wait, wait. Repeat.

9 BY MR. RICHARDSON:

10 Q. Couldn't hear you, Sheriff.

11 A. Okay. The incoming shift comes in, reports  
12 for duty, and they are briefed by the  
13 outgoing, the shift that's coming off duty,  
14 and that's -- that's a smooth transition.  
15 After you do it for some time, a few days,  
16 you know, everybody knows what he's doing;  
17 he knows where his work station is; he  
18 knows what to do in his zone, and he goes  
19 there and does that, and if there's  
20 anything that the zone officer there from  
21 the prior shift needs to tell him, he tells  
22 him that, and the off-duty shift leaving  
23 out, they leave, and it becomes the  
24 responsibility of the incoming shift to  
25 carry on.

1 Q. Right. So when that new shift comes in,  
2 the old shift has to relay all the  
3 information to the new shift, and then they  
4 take over from there, correct?

5 A. They take over from there, and anything of  
6 any significance is written down, and  
7 there's a permanent record of it, because,  
8 you know, when a situation occurs, and  
9 things do happen in -- in jails, and you  
10 get into litigation and criminal charges  
11 and things like that, you have to be  
12 documented.

13 Q. I understand. And when you only have one  
14 shift change, in other words 12 hours and  
15 12 hours, you have less of that relaying  
16 information to the next shift than you  
17 would have to do if you had three  
18 eight-hour shifts, right?

19 A. Absolutely, and I've worked eight-hour  
20 shifts and the -- the 12-hour shifts, is --  
21 that's the way everybody wants to do it,  
22 and that's the way to do it.

23 Q. And that's the way you did it in your jail  
24 and still -- is still done in the jail?

25 A. Yes, it has been -- it has been done like

that here for since approximately 1984.

2 Q. All right. So let's talk about the letter  
3 that we looked at before, that November  
4 2018 letter. You remember that letter that  
5 you looked at for Mr. Most talking about  
6 Mr. McKinney. It was a note from the  
7 doctor.

MR. MOST:

I think it's November 27. You  
want me to pull it up?

11 MR. RICHARDSON:

12 | November 27.

13 BY MR. RICHARDSON:

14 Q. Do you have it, Sheriff? William might  
15 have it. There you go.

16 MR. MOST:

17 Yeah, I can pull it up.

18 MR. RICHARDSON:

19                   All right. You see that. What  
20                   number is that, William, on our --  
21                   on our list?

22 MR. MOST:

23 It's "Exhibit 15."

24 MR. RICHARDSON:

25 15.

C E R T I F I C A T E

THIS CERTIFICATION IS VALID ONLY FOR  
A TRANSCRIPT ACCOMPANIED BY MY ORIGINAL  
SIGNATURE AND ORIGINAL REQUIRED SEAL ON THIS  
PAGE.

I, RAYNEL E. SCHULE, Certified Court Reporter, #77005, in good standing, in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that STACY McCAIN, SHERIFF WILLIAM EARL HILTON, and DEBBIE McBETH, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing 198 pages; that this testimony was reported by me in stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the Board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the Board; that I am not of counsel, not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

Date Raynel E. Schule, CSR  
Certified Shorthand Reporter  
State of Louisiana